

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
October 17, 2005

**D047161        In re Williams on Habeas Corpus**

The petition is denied because it was not filed in the superior court in the first instance.

**D045788        Ayers et al. v. Washington Mutual Bank**

Upon filing a written abandonment, the appeal filed on January 24, 2005 by Washington Mutual Bank is dismissed and the remittitur is ordered to issue immediately.

**D046660        People v. Romero**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rules 33(c)(5) and 17. The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
October 18, 2005

**D047162        Boyce v. Superior Court of San Diego County/Interinsurance Exchange of the Automobile Club of Southern California et al.**

The petition is denied.

**D046212        Romo v. F. Nava & Co.**

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

**D045643        People v. Rodriguez**

The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., McDonald, J.

**D046349        In re David C., a Juvenile**

The order is affirmed. Nares, J; We Concur: McConnell, P.J., Huffman, J.

**D046522        In re the Marriage of Crivello**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

**D044423        People v. Evans**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

**D045454        People v. Rosales**

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., McIntyre, J.

**D044273        Sheppard, Mullin, Richter & Hampton v. Donegan**

The orders are affirmed. Sheppard is entitled to costs on appeal. McDonald, J.; We concur: Nares, Acting P.J., McIntyre, J.

**D045644        People v. Bithell**

The judgment is affirmed. McDonald, J.; We Concur: Haller, Acting P.J., McIntyre, J.

**D044135        Cameron, as Trustee, etc. v. Desert Pacific Council Boy Scouts of America**

The judgment is affirmed. DCP to pay Cameron's costs on appeal. Haller, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

**D044029        People v. Espinal**

The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

**D047087        Evaristo A. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Evaristo A. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
October 18, 2005 (Continued)

**D044309        Ring v. Marradi**  
The petition for rehearing is denied.

**D042811        People v. Campa**  
The judgment is affirmed. Haller, J.; We Concur: McConnell, P.J., McDonald, J.

**D044601        People v. Marquis**  
The judgment is affirmed. McConnell, P.J.; We Concur: McDonald, J., McIntyre, J.

**D045729        People v. Thomas**  
The judgment is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., O'Rourke, J

**D042779        People v. Croteau**  
The parole revocation fine imposed under section 1202.45 is vacated and a new parole revocation fine in the amount of \$2,400 (1202.4, subd. (b)) is imposed. The superior court is directed to modify the abstract of judgment to reflect the proper parole revocation fine. In all other respects, the judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., Haller, J.

**D041699        People v. Gomez**  
The judgment is affirmed. Haller, J.; We Concur: McConnell, P.J., McIntyre, J.

**D042017        People v. Wilkerson**  
The judgment is affirmed as to the convictions. The judgment is reversed as to the sentence and remanded for resentencing. The court is instructed not to use the prior juvenile adjudication to impose a prior serious felony conviction enhancement. Haller, J.; We Concur: Huffman, Acting P.J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
October 19, 2005

**D046671        In re Perez on Habeas Corpus**

The petition is denied.

**D045114        People v. Oliver**

Appellant's conviction for child endangerment, count 3, is reversed. In all other respects the judgment is affirmed. Benke, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

**D043744        Molnar v. Regents of the University of California et al.**

The judgment is affirmed. Benke, Acting P.J.; We Concur: Nares, J., McDonald, J.

**D044216        Smith v. Zachman**

The judgment is affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., McDonald, J.

**D043073        People v. Mello**

The judgment is affirmed. Huffman, J.; We Concur: McDonald, J., McIntyre, J.

**D044849        Daniels et al. v. San Diego Grand Prix Association**

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., Irion, J.

**D044292        People v. Bradway**

The judgment is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., McIntyre, J.

**D046136        First Aid Services of San Diego, Inc. v. California Employment Development  
Department**

The judgment of dismissal is affirmed. Nares, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

**D047160        Jeffrey S. et al., v. Superior Court of San Diego County/San Diego County Health  
and Human Services Agency**

The attorney for petitioner Jeffrey S. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues for writ review. The case as to Jeffrey S. is dismissed.

**D045003        Toscano v. Truong**

The petition for rehearing is denied.

**D044258        People v. Horton**

The judgment is affirmed. Benke, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

**D045110        People v. Miani**

The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
October 20, 2005

**D043684        Grosset v. Wenaas et al./Huang**

The appeal is dismissed for a lack of standing. Respondents to recover their costs on appeal.  
CERTIFIED FOR PUBLICATION. Nares, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

**D044843        Connelly v. Pickford New Homes Real Estate Inc., et al.**

Appellant's petition for rehearing is denied.

**D044843        Connelly v. Pickford New Homes Real Estate Inc., et al.**

Respondents' petition for rehearing is denied.

**D044911        Miller v. Weitzen et al.**

The judgment is affirmed. CERTIFIED FOR PUBLICATION. Irion, J.; We Concur: Huffman, Acting P.J., Aaron, J.

**D046892        In re Jessica S., a Juvenile**

The appeal is dismissed. McConnell, P.J.; We Concur: Benke, J., O'Rourke, J.

**D047309        In re Marilyn Kaye Freeman**

The petition is denied without prejudice.

**D043307        Gandy v. Asplundh Tree Expert Co.**

The order granting the JNOV is reversed, and the matter is remanded for retrial regarding the amount of damages only. The trial court is directed to enter a new judgment incorporating the jury's finding regarding liability and the new damages award, which shall be trebled. Each party is to bear its own costs on appeal. O'Rourke, J.; We Concur: McConnell, P.J., Benke, J.

**D044295        Padres L. P. v. J. Bruce Henderson**

The petition for rehearing is denied.

**D044909        People v. Santiago**

The request for publication of the opinion is denied.

**D046597        People v. Cabrera**

The appeal is dismissed.

**D047159        Debra B. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Debra B. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
October 21, 2005

**D045288        Canam Properties, LLC et al. v. Micheli**

**D045786        Canam Properties, LLC et al. v. Micheli**

(Consolidated cases)    Judgment affirmed. Appellants to pay respondent's costs on appeal. Haller, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

**D046371        In re Sean V., a Juvenile**

The judgment is affirmed. McDonald, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

**D046911        In re Jose M. Jr., a Juvenile**

The appeal is dismissed. Benke, Acting P.J.; We Concur: Haller, J., Aaron, J.

**D043540        Signal Landmark et al. v. California Costal Commission et al.**

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal Rules of Court, rule 20(c)(2)).

**D045377        In re the Marriage of Behar**

The judgment is affirmed. Giacomo to pay Lorraine's costs on appeal. Haller, J.; We Concur: McConnell, P.J., O'Rourke, J.

**D043748        People v. Sandoval**

The judgment is affirmed. McConnell, P.J.; We Concur: McDonald, J., Irion, J.

**D047313        Ulloa et al. v. Superior Court of San Diego County/McMillan Real Estate and Mortgage Inc., etc. et al.**

The petition is denied.

**D045742        Aubrey v. Otay Water District**

Upon written request filed by appellant, the appeal is dismissed.

**D045585        Ivanhoe Development Corp. v. Broselle**

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear its own costs on appeal.

**D047109        Keith v. San Diego Trolley, Inc.**

The matter of the timeliness of plaintiff Joan Keith's appeal from the judgment of dismissal entered on June 28, 2005, has been considered by Justices McConnell, Huffman, and Haller. Plaintiff's appeal is dismissed as untimely.

**D047348        In re Wittington on Habeas Corpus**

The petition is denied.

**D047339        McGarry v. San Diego Union Tribune et al.**

The petition is denied.